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EXAMINER

NGUYEN, DUC MINH

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 02/27/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/362,425

Applicant(s)

TISO ET AL.

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 26-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 26-29, 31, 34-38, 40, 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Bridger et al (6,272,209).

Consider claims 26-29, 31. Bridger teaches an apparatus for interfacing to a telephone line (370) comprising a port (354); means (LTE 300) for automatically determining whether a connector (telephone connected to port 354) inserted into the port is connected to an end user equipment (VoDSL modem 360) or to a network equipment (directly connected to line 370); and means (LTE 300) responsive to the means for determining for automatically configuring the port to interface to either an end user equipment or a telephone network (normally, voice

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communication is provided through VoDSL modem (360). However, if there is a problem with the VoDSL modem (360), the telephone is reconnected directly to line (370). The LTE is reconfigured so as to emulate a POTS line card or an analogue or ISDN modem; col. 1, ln. 60 to col. 2, ln. 63; col. 3, ln. 56 to col. 4, ln. 26; col. 6, ln. 45 to col. 7, ln. 54; col. 7, ln. 55 to col. 8, ln. 65). It is noted that modem (360) functions as a SLIC with respect to the POTS telephone. CPE 350 functions as a DAA with respect to the POTS telephone when the VoDSL modem is down.

Consider claim 34. Bridger further teaches a port control apparatus comprising means for monitoring the presence of loop voltage, and for detecting if the loop voltage ceases to be present for a predetermined time; means for supplying an output voltage if the input voltage ceases to be present after a predetermined time (when the power goes down at the CPE, the switch 352a-b is changed to connect the telephone directly to the line 370 in order to receive power from the LTE 300; see the abstract; col. 4, ln. 1-12; col. 6, ln. 51 to col. 7, ln. 54).

Method claims 35-38, 40, 43 are rejected for the same reasons as in apparatus claims 26-29, 31, 34 since the recited elements perform the claimed steps.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 30, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridger et al (6,272,209) in view of Stelman (5,892,823).

Consider claim 30. Bridger does not teach the rj-11 connector is connected to a PBX.

Stelman teaches an apparatus for interfacing to a telephone line, comprising an rj-11 port (rj-11 of system interface 50; system interface 50 in combination with analog telephone 54, and hybrid or digital telephone 58 form an interface that allows voice/data accessories 60 and 62 to interface with the central office through the regulated 2-wire telephone line), means for automatically determining whether an rj-11 connector inserted into the rj-11 port is connected to non-telephonic equipment (data accessories 60 and 62) or to telephonic equipment (voice accessories 60 and 62); and means, responsive to the means for determining, for automatically configuring the rj-11 port to interface to either the non-telephonic equipment or a telephone network (col. 4, ln. 12-32). Fig. 6 further shows a PBX or key telephone system (56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Stelman into the teachings of Bridger in order to allow a user to automatically calibrate a commercially available non-regulated voice/data product to allow an effective interface. This would solve any incompatibility problems and provide users with greater choices and flexibility when selecting telephone equipment.

Method claim 39 is rejected for the same reasons as in apparatus claim 30, since the recited elements perform the claimed steps.

5. Claims 32-33, 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridger et al (6,272,209)

Consider claims 32-33. Bridger teaches an apparatus for interfacing to a telephone line (370) comprising a port (354); means (LTE 300) for automatically determining whether a connector (telephone connected to port 354) inserted into the port is connected to an end user equipment (VoDSL modem 360) or to a network equipment (directly connected to line 370); and means (LTE 300) responsive to the means for determining for automatically configuring the port to interface to either an end user equipment or a telephone network (normally, voice communication is provided through VoDSL modem (360)). However, if there is a problem with the VoDSL modem (360), the telephone is reconnected directly to line (370). The LTE is reconfigured so as to emulate a POTS line card or an analogue or ISDN modem; col. 1, ln. 60 to col. 2, ln. 63; col. 3, ln. 56 to col. 4, ln. 26; col. 6, ln. 45 to col. 7, ln. 54; col. 7, ln. 55 to col. 8, ln. 65). It is noted that modem (360) functions as a SLIC with respect to the POTS telephone. CPE 350 functions as a DAA with respect to the POTS telephone when the VoDSL modem is down. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a fax machine in place of the VoDSL without changing the scope of the invention that is to provide a smart interface that would solve any incompatibility problems and provide users with greater choices and flexibility when selecting telephone equipment.

Method claims 41-42 are rejected for the same reasons as in apparatus claims 32-33 since the recited elements perform the claimed steps.


Conclusion

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Duc Nguyen
Primary Examiner
Art Unit 2643

2/27/04